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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

MATHEW ROSS, an individual; for  
 himself and those similarly situated;  
 ROBERT MAGEE, an individual, for  
 himself and those similarly situated and  
 ROES 1 through 30,000; and the Certified  
 Class,

Plaintiffs,

vs.

ECOLAB, INC., a Delaware Corporation;  
 and DOES 1 through 100, inclusive,

Defendants.

CASE NO: C 13-05097 PJH

Action filed December 21, 2009

**[PROPOSED] ORDER GRANTING FINAL  
 APPROVAL OF CLASS ACTION  
 SETTLEMENT**

**ORDER**

Pending before the Court is Plaintiffs' Motion for Final Approval of Class Action Settlement. Defendant Ecolab Inc. does not oppose the motion and therefore has not filed any brief in response. The Court held a tentative fairness hearing on May 11, 2016. On May 13, 2016, the Court issued its Order granting preliminary approval of the class action settlement.

After careful consideration of the pending motion and a thorough review of the materials submitted in support, the Court now rules as follows:

1. The Court finds that the Settlement is the product of serious, informed, non-collusive negotiations conducted at arm's-length by the Parties. In making these findings, the Court considered, among other factors, the potential damages claimed in the lawsuit on behalf of Plaintiffs and members of the Certified Class (which totals 217 participating individuals), Defendant's potential liability, the risks of continued litigation including trial outcome, delay and potential appeals, the substantial benefits available to the Certified Class as a result of the Settlement, the Parties' participation in mediation with an experienced class action mediator, and the fact that the proposed Settlement represents a compromise of the Parties' respective positions rather than the result of a finding of liability at trial. The Court further finds that the terms of the Settlement have no obvious deficiencies and do not improperly grant preferential treatment to any individual member of the Certified Class.

2. The Court finds that the Class Notice that was approved by the Court in its Order of May 13, 2016 was timely sent to Class Members by the Court-approved Claims Administrator CPT Group, Inc., which notice fully and accurately informed the Certified Class of all material elements of the lawsuit and proposed class action Settlement and each Certified Class Member's right and opportunity to object to the proposed class action Settlement and be heard at the final approval (fairness) hearing.

3. No Certified Class Member filed a written statement with the Court objecting

1 to the Settlement or any of its terms by the objection deadline of July 17, 2016.  
2 Accordingly, any objection is deemed to have been waived and all Certified Class  
3 Members are foreclosed from making any objections to the Settlement, whether by appeal  
4 or otherwise.

5 4. The Court GRANTS Plaintiffs' Motion for Final Approval of Class Action  
6 Settlement.

7 5. The Court retains jurisdiction over the case and the parties to the extent  
8 necessary to implement the terms of the Settlement Agreement until each act agreed to  
9 be performed by the Parties under the Settlement has been fully performed.

10 6. The Court dismisses with prejudice all claims asserted in the case as the  
11 "Released Claims" are defined in Section III(P) of the Settlement Agreement (Ex 1 to  
12 Gutierrez Declaration).

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14 IT IS SO ORDERED, this \_\_\_\_\_ day of August, 2016.

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HON. PHYLLIS J. HAMILTON  
18 UNITED STATES DISTRICT COURT JUDGE  
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